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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,316	12/10/2001	Bernhard A.M. Deutsch	SI01-019	4752

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CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

EXAMINER

PRASAD, CHANDRIKA

ART UNIT PAPER NUMBER

2839

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,316

Applicant(s)

DEUTSCH ET AL.

Examiner

Chandrika Prasad

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 16 recites the limitation "the optical waveguides" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Naito et al.

Naito (Figures 1-13) shows an optical waveguide cable for transmitting optical signals according to wavelength division multiplex technology having a first section with fibers 3A of

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the first type, a section with fibers 3B of the second type and a third section with fibers 3C of the third type wherein the mode field diameter and dispersion characteristics of the fibers of the first type is greater than those of the fibers of the second and third types, the mode field diameter and dispersion characteristics of the fibers of the second type is greater than that of the fibers of the third type. The cable is connected to a transmitter by a pigtail section.

7. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naito et al.

Naito shows all the features of these claims as described in Paragraph 3 above except the size and dispersion characteristics of the various sections. The instant invention does not provide any reasons or specific problems to be solved by having a specific size or dispersion characteristics. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to make the various sections of a specific size or characteristics because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. In re Leshin, 125 USPQ 416.

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10. Claims 2, 11-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naito et al.

Naito shows all the features of these claims as described in Paragraph 3 above except the third section being the same as the first section and the first and the second section being of the same type and the fibers being ribbons or bundles . It would have been obvious to one having ordinary skill in the art at the time of the instant invention to make the third section and/or the second section same as the first section because this would require a mere duplication of an essential part, which involves only routine skill in the art. Furthermore, the instant invention does not provide any reasons or specific problems to be solved by having a ribbon cable or a bundle cable. Such cables are well known and widely used in optical fiber connections. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to use such widely used cables in order to provide a higher capacity of signal transmission as is well known in the art.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naito et al.

Naito shows all the features of this claim as described in Paragraph 3 above except a transition piece to connect two sections a fiber of different diameter wherein the diameter of the transition piece gradually reduces from one end to the other to those of the two sections to be connected together. Such a connection is considered common knowledge. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to provide such a transition piece when connecting two sections of different diameters because this would provide a smooth transition from one size (diameter) to the other.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mukasa (6470126) and Mukasa (200300490050) also shows cables with similar feature as those of Naito et al.

Contact Information

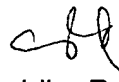
13. Any correspondence to this action may be mailed to:

**Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

Hand-delivered responses should be brought to:

**Crystal Plaza 4, Fourth Floor (receptionist)
2201 South Clark Place, Arlington, Virginia**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad at (703) 308-0977. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at (703) 308-2710. The fax number for this Group is (703) 872-9318 (general) and (703) 872-9319 for after-final. Any inquiry of a general nature should be directed to the Group receptionist at (703) 308-1782.



Chandrika Prasad
Patent Examiner
August 5, 2003